



SOCIO-LEGAL AND CULTURAL STRUCTURE IN INDIA: AN ANALYTICAL STUDY AND FUTURE POSSIBILITIES

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INTRODUCTION:-

India before freedom or after freedom has had different statutes. After freedom our nation adopted a democratic system to run the nation. In compliance of our government has made/ drafted the Indian Constitution, so that a strong, durable and peaceful uniform system may be developed to regulate and control all the activities. This was a right step, as I think.

But day by day definitions, limitations and thinking is being changing in connection of democracy as well as about the Indian Constitution. Our nation has different laws, culture and religion in different parts of the nation. It may be useful for our country if our politician as well our so called communities leaders/ Dharm Gurus will not use for personal interest and for benefit of political gains. Today diversity of the nation has become instrumentation, how it is used to spread of riots, social disturbance and to constitute government of particular party. Therefore time has come to analyse SOCIO, LEGAL AND CULTURAL STRUCTURE OF INDIA to know it is proper and useful for the nation or is not. If there are not in interest of the nation than we shall have to reconsidered in context of socio, legal and cultural structure of the nation. In this paper we try to find out reasons and solutions on the abovementioned subjects.

ANALYTICAL STUDY:-

In this paper to be discussed various existing laws, which have been prevailing in India last 70 years and few are very ancient. First time in 1947 an Indian freedom Act was passed after that a constitutional draft committee was constituted to draft Indian Constitution. It was itself a miracle change in India. After observing of the Indian Constitution we found single citizenship, secular state, adult franchises, fundamental rights, directive principles of state policy, federal Constitution with unitary bias, Parliamentary system in govt, separation of powers and rule of law. All abovementioned constitutional concepts are desirable and appreciable till today to maintain law and order as well as in



administration of justice. But here we want to discuss what our beurocracy and govt. Both are doing work according with of the abovementioned concepts properly or not? In case of Aarundahati Roy AIR 2002 SC1375, 1379 the Supreme Court told us that our Constitutional scheme is based on rule of law .but we are seeing that private institutions are not ready to give benefits for reserved categories according to provisions of the Indian constitution. Therefore a big gap between backwards and advance society is continue till today. In case of common cause, a registered society Vs Union of India AIR 1999 SC 2979 the Supreme Court discussed objects of the Indian Constitution and pointed out that Assembly and executive body of the government can't violated to Constitutional provisions. But in practice if we see functions of governments and governors (disputes between Delhi government and LG) , President rules imposed in various states and it was turn down by the court. It shows us that Constitutional provisions are being are violated in our present system.

First object of the Constitution is to provide social, economic and political justice to each person as far as possible; it was mentioned in Art 38, 39 of the Indian Constitution. It is also debatable issue. What our system is doing work properly according with Art 38, 39?

In case of Ashok Kumar Gupta V/s UP AIR 1997 SCc211 a landmark judgement was given by the Supreme Court and told that it is duty of the states to established a welfare social system. But in practice governments always welfare programmes decided according to their own agenda as well as wishes of their party workers. Section 2 of the Hindu Marriage Act 1955 defines the term Hindu it includes any person who is a Buddhist, Jain or Sikh by religion. Whether their cultures are different, but they include in Hindu. In spite of Jain are declared minority by the government. What is family? The most important primary human group is the family. Muslim is also minority. Religion may be our heritage, it may be protected. All required help to be given by the government to social backwards. But on name of caste, religion, status of person family should not be divided because all are citizen of India and all members of all communities are part of the Indian family. If we apply this concept we may remove discrimination, jealous and communal riots from the society.

Art 39 of the Indian Constitution that state will do work of the following:-

1. to prove a uniform livelihood to every male and female because right to live is also fundamental rights.



2. property distribution among the peoples should be reasonable to point out collective interest.
3. equal work, equal remuneration.
4. to protect child and women health and rights.
5. Art 326 explains that each person of all communities may be take part in election. it provides representative system in election. All abovementioned legal provisions are useful and fruitful for the nation, if honestly implied by the machinery without doing partiality

IGNORANTIA JURIS NON EXCUASAT-

It means ignorance of law is no excuse. No one has right to commit offence, if offence is committed by any person offender to be punished under law. Whether offender was familiar or was not familiar with law. Any offence related to religion, affecting the human body, affecting public health, safety, convenience, decency and morals, against property, sati pratha etc. on name of religious program, cultural program, no one is free to commit any offence. In ancient time only some persons of few communities were involved in business activities because business was very risky job, without having property and large amount of money business was not possible. But today it has become easy under Indian company Act, 1956 amending Act 2013, Indian contract act 1872, and corporate laws. It is also a legal reform and social reform.

Law of torts and consumer protection law are also very helpful to protect labour rights and others. In case of church of god –Madras High Court decided that child, Old persons have right to sleep, they cannot be disturbed on name of religious functions as well as social functions.

Art 19 (1) k and 25-28 of the Indian Constitution explained freedom to speech within reasonable restrictions. Present time it is also debatable point far what extend it may be relaxed because integrity of the nation is also an important issue. No one has any right to disturb national peace on name of right to freedom of speech. Not only in India but at level of international nations are trying to protect rights of human, child labour, women and wild life. Human rights should be important more than caste, religion, culture etc

Conclusion and suggestions-

After observing all earlier matters, some suggestions may be given -

1. India is a secular state according to Indian constitution. We should work in respect of this direction. So that we can maintain peace among the peoples and in the nation.
2. Religion, caste and culture are not part of politics; all issues should be part of constitutional policy.
3. Indian cultures are dignity of the nation, it should be nation heritage. Indian cultural activities should be organised in each part of country. So that it may bring social harmony in the nation.
4. During the election and after election on matter of religion, caste no one, except authorised ministers and burocrates not to be allowed to pass comments and legal opinion, because it may disturb social harmony.
5. In area of health and Medical, women radiologist(ultra sound) doctors are very less in number as required, sonography of pregnant women is doing by male radiologist doctor for last many years; it is against the right to privacy of women. Women can not disclose/explain her problems before male doctors. Government should pay attention on this matter and sufficient/enough female radiologist doctors must be appointed in government hospitals as well as in private hospitals. So that human rights of women may be protected properly.
6. No one to be permitted to speak against interest of the nation except reasonable grounds.

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